

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. <u>CR-14-306-M</u>
)	
MICHAEL DEAN BILLINGS,)	
)	
Defendant.)	

**SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANT'S MOTION UNDER 28 U.S.C. § 2255 TO VACATE SET ASIDE
OR CORRECT SENTENCE BY PERSON IN FEDERAL CUSTODY
(DOCS. 95, 96)**

COMES NOW the Plaintiff, United States of America, by Robert J. Troester, Acting United States Attorney for the Western District of Oklahoma, through David P. Petermann, Assistant United States Attorney, and requests this Court to grant Plaintiff an extension of an additional sixty (60) days within which to file its response herein to defendant's Motion Under 28 U.S.C. § 2255 to Vacate Set Aside or Correct Sentence by Person in Federal Custody (Docs. 95, 96). Counsel for the Plaintiff would show the Court as follows:

1. The Plaintiff's response is due Monday, March 12, 2018;
2. The Plaintiff respectfully requests an additional sixty (60) days to file its response because the Plaintiff will need additional time to secure an affidavit from Defense counsel, Daniel L. White (who is transitioning from a private law practice to

a public law practice with the State of Oklahoma and is preparing for a federal trial during the March docket), to fully respond to each of the Defendant's accusations;

3. The Plaintiff has been out of state for work purposes and recently just filed a 48 count, 32 defendant complex drug trafficking Indictment. The additional time will allow all parties to respond to Defendant's many complaints; and

4. The Plaintiff and Defense counsel have recently spoken and it appears the affidavit can be provided to the plaintiff within the next 30 days. The Defendant is presently serving a 14 year sentence and will not be inconvenienced by this request.

WHEREFORE, Plaintiff respectfully moves this Court to grant Plaintiff an extension of an additional sixty (60) days from March 12, 2018, in which to file its response herein to defendant's Motion Under 28 U.S.C. § 2255 to Vacate Set Aside or Correct Sentence by Person in Federal Custody, (Docs. 95, 96).

Respectfully submitted,

ROBERT J. TROESTER
Acting United States Attorney

s/DAVID P. PETERMANN
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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2018, I filed the attached document through the Court's ECF system and a copy was mailed via U.S. Mail to the following non-participating ECF registrant: **Michael Dean Billings**, #29129-064, FCI Seagoville, PO Box 9000, Seagoville, TX 75159.

s/DAVID P. PETERMANN

DAVID P. PETERMANN

Assistant U.S. Attorney